

CITY OF MILFORD
CITY OF MILFORD ORDINANCE ADOPTION

NOTICE IS HEREBY GIVEN that the following Ordinance was adopted by Milford City Council on August 22, 2022:

ORDINANCE 2022-31
City of Milford Parking Authority

WHEREAS, the City Council of the City of Milford, Delaware, by ordinance, originally adopted Chapter 45 Parking Authority on July 30, 1974, in accordance with the provisions of the State of Delaware and the City of Milford; and

WHEREAS, on March 8, 2010, City Manager David Baird reported that he had received a request from Harvey Marvel, Chairman of the Milford Parking Authority to terminate its existence and that the City of Milford take ownership of its lands; and

WHEREAS, on November 28, 2011, City Council by unanimous vote, authorized the approval of a Certificate Requesting the Termination of Existence of Parking Authority, per 22 Del. C. § 513, be forwarded to the State of Delaware; and

WHEREAS, after a careful examination and analysis of the Code of the City of Milford, City Council has determined that Chapter 45 Parking Authority remains in the Code without cause, and

WHEREAS, for editorial and codification purposes, it is in the best interests of the City to remove Chapter 45 from the Code of the City of Milford in its entirety as it is no longer applicable.

NOW, THEREFORE, BE IT RESOLVED, by the City of Milford:

Section 1. Dissolution of Parking Authority

The Parking Authority of the City of Milford, created by an ordinance that was adopted on July 30, 1974, was officially dissolved on November 28, 2011.

Section 2. Removal from Code

Chapter 45 Parking Authority of the City of Milford Code Part I Administrative Legislation is hereby stricken in its entirety and the Chapter number reserved for future use as deemed necessary:

~~Chapter 45 PARKING AUTHORITY
GENERAL REFERENCES~~

~~§ 45-1. Obligations.~~

~~The Parking Authority shall not at any time or in any manner pledge the credit or taxing power of the State of Delaware or the City of Milford, nor shall any of its obligations be deemed to be obligations of the State of Delaware or the City of Milford, nor shall the State of Delaware or the City of Milford be liable for the payment of principal or of interest on such obligations.~~

~~§ 45-2. Establishment of benefit district.~~

~~In addition to the provisions contained in Chapter 5 of Title 22 of the Delaware Code providing for the financing of the cost of acquiring land and premises for the construction and improvement of parking projects, the Parking Authority of the City of Milford may, by resolution, as provided in 22 Del. C. § 504, establish a benefit district.~~

~~§ 45-3. Sale of real property.~~

~~A.——When any real property or any interest therein heretofore or hereafter acquired by the Parking Authority of the City of Milford is no longer needed for the purposes defined in Chapter 5 of Title 22 of the Delaware Code or when, in the opinion of the Parking Authority of the City of Milford, it is not desirable or feasible to hold and use said property for said purposes, the Parking Authority of the City of Milford may sell the same at private or public sale, as the Authority shall determine, granting and conveying to the purchaser thereof a fee simple marketable title thereto.~~

~~B.——The Authority may make such sale for such price and upon such terms and conditions as the Authority deems advisable and for the best interest of the Authority and may accept in payment, wholly or partly, cash, bonds, mortgages, debentures, notes, warrants or other evidences of indebtedness as the Authority may approve. The consideration received from any such sale may be applied by the Authority, in its discretion, to the repayment, in whole or in part, of any funds contributed to the Authority by the City of Milford under the provisions of 22 Del. C. § 508 or retained by the Authority for the purposes for which it was incorporated.~~

~~C.——Without limitation of the foregoing, the Authority may accept as consideration in whole or in part for the sale of any such real property a covenant, agreement or undertaking on the part of any purchaser to provide and maintain off-street parking facilities on such property or a portion thereof for the fulfillment of public parking needs for such period and under such terms and conditions as the Authority shall determine. Any such covenant, agreement or undertaking on the part of the purchaser as aforesaid and the right of the Authority to fix and alter rates to be charged for any such parking facilities as well as the right of appeal as set forth in Chapter 5 of Title 22 of the Delaware Code shall be set forth and reserved in the deed or deeds of conveyance. Any such contract, agreement or undertaking may be enforced by the Authority in an action for specific performance brought in the court of jurisdiction of the State of Delaware.~~

~~§ 45-4. Issuance of bonds.~~

~~All bonds issued by the Parking Authority of the City of Milford shall be issued in accordance with the provision of Chapter 5 of Title 22 of the Delaware Code and all other applicable laws of the City of Milford, State of Delaware and United States of America.~~

~~§ 45-5. Rights and remedies of bond holders.~~

~~All holders of bonds of the Parking Authority of the City of Milford shall have the rights and the remedies conferred upon or granted to the bond holders by Chapter 5 of Title 22 of the Delaware Code and other applicable laws of the State of Delaware and the United States of America, which rights and remedies shall be in addition to, and not in limitation of, any rights and remedies lawfully granted to such bond holders by the resolution or resolutions providing for the issuance of bonds or by any deed of trust, indenture or other agreement under which the same may be issued by the Parking Authority of the City of Milford.~~

~~§ 45-6. Board; appointments; terms of office; vacancies; removal.~~

~~The powers of the Parking Authority of the City of Milford shall be exercised by a board composed of five members, all of whom shall be residents of the City of Milford. The Mayor of the City of Milford shall appoint the members of the Board, one of whom shall serve for one year, one for two years, one for three years, one for four years and one for five years from the first day of July in the year in which this Authority is created. Thereafter the Mayor shall, not sooner than 60 days nor later than 30 days prior to July 1 in each year in which a vacancy occurs, appoint a member of the Board for a term of five years to succeed the member whose term expires on the first day of July next succeeding. Vacancies for unexpired terms that occur more than 60 days before the end of a term shall be promptly filled by appointment by the Mayor. All such appointments shall be subject to the confirmation of the City Council. Any member of the Board may be removed for cause by the Mayor, with the concurrence of 2/3 of all the members of the City Council, and the person against whom such charges are made shall be given a reasonable opportunity to make his defense.~~

~~§ 45-7. Succession of members; salaries and compensation.~~

Members of the Parking Authority of the City of Milford shall hold office until their successors have been appointed and may succeed themselves. A member shall receive no compensation for his services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties.

~~§ 45-8. Board officers; staff; quorum; liability; powers and duties.~~

~~The members of the Board of the Parking Authority of the City of Milford shall select from among themselves a Chairman, a Vice Chairman and such other officers as the Board may determine. The Board may employ a Secretary and Executive Director, its own legal counsel and legal staff and such technical experts and such other agents and employees, permanent or temporary, as it may require and may determine the qualifications and fix the compensation of such persons. Three members of the Board shall constitute a quorum for its meeting. Members of the Board shall not be liable personally on the bonds or other obligations of the Authority, and the rights of creditors shall be solely against such Authority. The Board may delegate to one or more of its agents or employees such of its powers as it deems necessary to carry out its purposes, subject always to the supervision and control of the Board. The Board shall have full authority to manage the properties and business of the Authority and to prescribe, amend and repeal bylaws, rules and regulations governing the manner in which the business of the Authority may be conducted and the powers granted to it may be exercised and embodied.~~

~~§ 45-9. Acquisitions through purchase or eminent domain proceedings.~~

~~The Parking Authority of the City of Milford may acquire by purchase or eminent domain proceedings either the fee or such rights, title, interest or easement in such lands as the Parking Authority of the City of Milford deems necessary for any of its purposes, subject to the qualifications and restrictions set forth in Chapter 5 of Title 22 of the Delaware Code and in accordance with the provisions for the exercise of the right of eminent domain as set forth in Chapter 61 of Title 10 of the Delaware Code.~~

~~§ 45-10. Financing incurred costs.~~

~~The Parking Authority of the City of Milford shall finance those costs incurred to achieve its established purposes in accordance with the provisions set forth in Chapter 5 of Title 22 of the Delaware Code.~~

~~§ 45-11. Contracts and agreements.~~

~~A. — The procurement of material and the award of contracts for construction, repairs or work of any nature made by the Parking Authority of the City of Milford shall be subject to the provisions of Chapter 69 of Title 29 of the Delaware Code.~~

~~B. — No member of the Authority or officer thereof shall either directly or indirectly be a party to, or be in any manner interested in, any contract or agreement with the Authority for any matter, cause or thing whatsoever by reason whereof any liability or indebtedness shall in any way be created against such Authority. If any contract or agreement shall be made in violation of the provisions of this section, the same shall be null and void, and no action shall be maintained thereon against such Authority.~~

~~C. — The provisions of Subsection A shall not apply to the construction of parking facilities intended to serve and be an integral part of the redevelopment project in the City of Milford, where the City of Milford or its redevelopment agency has designated or selected a developer who is responsible for the overall development of the project, including parking facilities. In such case, the Authority may negotiate with the developer for the construction and design of parking facilities on such terms and conditions as the Authority may deem justified and in the public interest.~~

~~§ 45-12. Transfer of property, projects and existing facilities to Authority.~~

~~A. — The City of Milford or any owner of property may sell, lease, lend, grant or convey to the Parking Authority of the City of Milford any interest in real or personal property which may be used by the Authority in the construction, improvement, maintenance or operation of any project. The City of Milford may transfer, assign and set over to the Authority any contracts which may have been awarded to it for the construction of projects not begun or, if begun, not completed. The territory being served by any project or the territory within such project is authorized to render service at the time of the acquisition of~~

~~such project by the Parking Authority of the City of Milford and shall constitute the area in which the Parking Authority of the City of Milford shall be authorized to render service.~~

~~B. The Parking Authority of the City of Milford shall first report to and advise the City Council of the City of Milford of the agreement to acquire existing facilities, including all its terms and conditions. The proposed action of the Authority, and the proposed agreement to acquire existing facilities, shall be approved by the City Council. Such approval shall be by two thirds vote of all members of the Council.~~

~~§ 45-13. Termination.~~

~~Unless previously terminated by operation of law, the Parking Authority of the City of Milford shall be terminated only in accordance with the provisions of Chapter 5 of Title 22 of the Delaware Code.~~

Section 3. Dates

Introduction: August 8, 2022

City Council Review/Public Comments: August 22, 2022

Effective Date: September 1, 2022

A complete copy of the Code of the City of Milford is available by request through the City Clerk's office at cityclerk@milford-de.gov or by accessing the city website at www.cityofmilford.com.

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